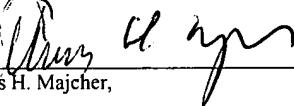




PATENT

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2004.

  
Thomas H. Majcher,

Reg. No. 31,119

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	09/476,689	Confirmation No.: 8160
Applicant	:	Kent C. B. Stalker	
Filed	:	December 30, 1999	
Art Unit	:	3763	
Examiner	:	Ghafoorian, Roz	
Title	:	DEVICE FOR, AND METHOD OF, BLOCKING EMBOLI IN VESSELS SUCH AS BLOOD ARTERIES	
Docket No.:	:	ACS 52008 (1816P)	August 26, 2004
Customer No.	:	24201	Los Angeles, California

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE**  
**A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))**

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,540,722 issued to Boyle et al. on April 1, 2003 and prior U.S. Patent No. 6,702,834 issued to Boylan et al. on March 9, 2004. The owner hereby agrees that any patent so

granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

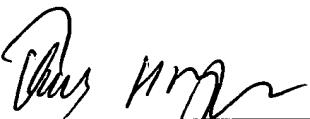
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

The undersigned is an attorney of record

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
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